IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3342 OF 2005

1. Mr.Bhima Ramji Solanki
2. Mrs.Mangu Bhima Solanki ...Applicants

Versus

The State of Maharashtra ...Respondent

Mr. Mahendra V. Swar for the Apellants.
Ms. Sangeeta Shinde , A.P.P. ,for the Respondents.

CORAM: **ABHAY S. OKA, J.**
DATE: 8**TH JUNE, 2005.**

P.C.

1. Heard the Counsel appearing for the parties. Perused affidavit in reply filed by the Investigating Agency.
2. This application is for anticipatory bail. The applicants are father in law and mother in law of the complainant at whose instance F.I.R. has been registered under section 498(A) and 506 (ii) read with Section 34 of the Indian Penal Code. Apart from the applicants, the husband of the complainant, brother of the husband and brother of the applicant no.1 herein are named as

the accused. It is not in dispute that the other three accused including the husband of the complainant were arrested on 29th April, 2005 in connection with the offence and all of them have been released on bail by an order dated 4th May, 2005 passed by the Learned Metropolitan Magistrate, 32nd Court, Bandra on cash bail of Rs.5,000/- each.

3. The allegation in the affidavit in reply is that from the date of filing complaint, the applicants are absconding and are not available for the investigation. It is stated that chargesheet is not filed. the Learned APP on the instructions states that the applicants have complied with conditions imposed by this Court by the order dated 17th May, 2005 by reporting to the Santacruz Police Station twice a week every Thursday and Friday between 5 p.m. to 7 p.m. This conduct of the applicants shows that they are not absconding and they are co-operating with the investigation.

4. The applicants are co-operating with the investigation and other accused have been released on regular bail by the Learned Magistrate. Considering the fact situation of the case, this is a fit

case where anticipatory bail should be granted. As held by the Apex Court , anticipatory bail cannot be for an indefinite period and it must enure to the benefit of the Applicants for a limited duration.

5. Hence, I pass the following order:

ORDER

i. In the event the applicants are arrested in connection with F.I.R. No.165/05 registered with Santacruz Police Station, Bombay, they shall be released on cash bail of Rs.5,000/- (Rupees Five Thousand Only) each.

ii. Grant of anticipatory bail will be subject to the condition that the applicants will attend the Santacruz Police Station twice a week on every Thursday and Friday between 5 p.m. to 7 p.m. till the date of filing of the chargesheet or till expiry of period of 90 days from the date of filing F.I.R., whichever is earlier.

iii. The applicants will co-operate for investigation of the crime and will not create any hurdles in the way of proper investigation.

iv. Order passed today will enure to the benefit of the applicants

only till expiry of period of 15 days from the date of filing of the chargesheet.

v. Application is disposed of in above terms.

Judge.